

ORDINANCE NO. ____

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 1.08.010, 14.08.090, AND 14.08.100 TO ENACT WATER CONSERVATION MEASURES.

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds as follows:

- A. The state of California declared a statewide drought;
- B. Recent court decisions have reduced the amount of water supplied through the State Water Project;
- C. Rainfall in southern California is below last year's levels and annual averages;
- D. Reservoir levels statewide are well below average and below capacity;
- E. Water conservation is crucial to the continued delivery of clean, safe water to Monterey Park residents and customers;
- F. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations; and
- G. In accordance with Water Code § 375, the Council finds it is in the public interest to adopt this Ordinance for water conservation purposes.

SECTION 2: Monterey Park Municipal Code ("MPMC") § 1.08.010(A) is amended to read as follows:

"1.08.010 Violation—Penalties—Declaration of nuisance.

- A. Unless otherwise provided, any person who violates any provision of this code is guilty of a misdemeanor. A violation of any provision of this code may be charged as an infraction when the prosecutor files a complaint charging the offense to be an infraction, or when the court, with the consent of the defendant, determines that the offense is an infraction. Further, any person who violates the following provisions of the code is, unless provided otherwise, guilty of an infraction:

* * *

10. Section 14.08.100."

SECTION 3: MPMC § 14.08.090 is amended to read as follows:

“14.08.090 Consumer supplying water.

It is unlawful for any consumer to supply water to any person other than the occupants of the premises of such consumer, provided that such consumer may supply water to such persons for the use in the performance of any contract for the improvement of any street or other public place after having given notice and received permission from the water department, and no such permission can be given to any person whose indebtedness to the city for water or damage to fire hydrants, meters, pipes or fixtures is delinquent, or who has on one or more occasions taken water from the distributing system of the city, or from the pipes of consumers connected with the distributing system of the city without receiving permission as provided herein. It is unlawful for any consumer to allow, maintain, or permit leaks or waste of water. When a consumer's interior water pipes, those water pipes on the customer's side of the water meter, leak to an extent that water is being wasted and the customer does not repair said leaks, the water department may give the customer thirty (30) days' notice to make such repairs to eliminate said wastage of water. If said repairs are not completed within the thirty days' notice, the water service to the property may be shut off. To have water service restored after such a shutoff, it will be necessary for the customer to furnish proof of said repairs, apply for service to be reinstated, and pay a reconnection fee established by city council resolution.”

SECTION 4: MPMC § 14.08.100 is amended to read as follows:

“14.08.100 Regulations—Generally.

- A. Multiple Parcels. It is unlawful for water to be served to two or more parcels of property separately owned through a common service pipe, unless there is no main contiguous to said premises from which service may be had, and further unless the consumer first in order of service from the main provides a written guarantee to pay water rates for all parcels of property so served. The superintendent of the water department must give thirty (30) days' notice in writing to all consumers served through such service before enforcing this chapter or Chapter 14.12 by discontinuing water service in accordance with this Code and Public Utilities Code §§ 10001, *et seq.*
- B. Hosing Down. It is unlawful for any person to hose water or wash down any sidewalk, walkway, driveway, parking area or other paved surface, except as is required for the benefit of public health and safety.

C. Lawn/Landscape Watering.

1. It is unlawful for any person to water or cause to be watered any lawn or landscaping between the hours of 10:00 a.m. and 5:00 p.m. of any one day
2. It is unlawful for any person to water or cause to be watered any lawn or landscaping more than once a day.
3. It is the duty of all persons to inspect all hoses, faucets and sprinkling systems for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable.

D. Indoor Plumbing and Fixtures. It is the duty of all persons to inspect all accessible indoor plumbing and faucets for leaks, and to cause all leaks to be repaired as soon as is reasonably practicable.

E. Washing Vehicles. It is unlawful for any person to wash any motor vehicle, boat, trailer, or other type of mobile equipment unless such vehicle is washed (1) at a commercial carwash; (2) using only reclaimed water; or (3) by using a hand-held bucket or a water-hose equipped with an automatic shutoff nozzle.

F. Public Eating Places. It is unlawful for any restaurant, hotel, cafeteria, café, or other public place where food is sold or served to serve drinking water to any customer unless specifically requested to do so by such customer.

G. Decorative Fountains. It is unlawful for any person to use water to clean, fill, or maintain levels in any decorative fountain, pond, lake, or other similar aesthetic structure unless such water flows through a recycling system.

H. A written warning must be provided to persons for the first two violations of this Section within a twelve month period. The third violation may be prosecuted as an infraction with a fine not to exceed \$25. The fourth and subsequent violations of this Section shall be enforced in staff's discretion in accordance with Section 1.08.010 of this Code. "

SECTION 5: Environmental Review. This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to water service; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. This Ordinance is adopted, in part, for protection of the

environment. Accordingly, this Ordinance does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(2, 5)).

SECTION 6: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7: Repeal or amendment of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9: This Ordinance will become effective on March 1, 2010, following its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2009.

Mitchell Ing
Mayor

ATTEST:

David M. Barron, CMC
City Clerk

APPROVED AS TO FORM:

Mark D. Hensley,
City Attorney